

How did constitutional government develop in Great Britain?

LESSON PURPOSE

Constitutional government developed in Great Britain over a period of many centuries. In this lesson you learn how the monarchy came to share power with the nobles. You will study some documents that limited the power of the British government. This study will help you to better understand our ideas about limited government.

When you finish this lesson, you should be able to describe the struggles for power between the English monarch and Parliament. You should be able to explain how these struggles led to a system of separated powers and representative government. You should also be able to describe some of the important constitutional documents in British history that influenced the writing of our constitution.

6



TERMS TO UNDERSTAND



common law
English Bill of Rights
feudalism
Magna Carta
Parliament
Petition of Right

rights of Englishmen
rule of law

Why did the American colonists have the rights of Englishmen?

The rights of Englishmen were established during centuries of British history. These were certain basic rights that all subjects of the English king or queen were believed to have. They included

- the right to a trial by jury
- security from unlawful entry into one's home
- no taxation without consent

Before the American colonies became independent, the colonists were subjects of the British monarchy. As subjects of the king or queen, the colonists enjoyed the rights of Englishmen. All subjects of the king or queen had these rights. The colonists knew and understood their rights as Englishmen.

The colonists' experiences with British government greatly influenced what they thought about limited government. For our study, it is important to understand these rights and how they developed over time. It is also important to remember



What were some important rights of Englishmen?

that the constitution of Great Britain is not a single written document. Instead, it is made up of long-established practices known as common law and laws passed by Parliament. Common law is based on custom and the decisions of law courts. Parliament is the legislative body of British government.

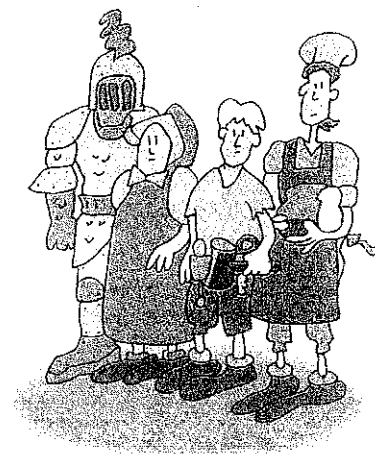
Royalty



Nobility



Common People



What problems, if any, might arise from dividing society into social groups?

What was the feudal system?

Until 1066, each region of England had its own ruler. William the Conqueror from France invaded England in that year and became king of all the regions.

William the Conqueror brought a system for governing called feudalism. **Feudalism** was a system of social, economic, and political organization. The system was based on the control of land.

Under feudalism, the people in England belonged to one of three social groups.

- ❶ **Royalty.** This was the king and queen and their families. Government by a king or queen is a monarchy.
- ❷ **Nobility.** This group included the "lords" and "ladies" who held titles such as earl, duke, duchess, and baron. The noblemen worked for the monarchy and made it possible for the king or queen to control England.

- ❸ **Common people.** These were the rest of the people. This group included the knights, or soldiers of the king, merchants, and peasants. The peasants were also known as serfs. They farmed the land and were not free to leave the area in which they worked.

All public land in England belonged to the monarch, but it was too much land for one person to rule. So, the monarch gave some responsibility for governing the kingdom to the nobility. Under the feudal system, the nobles controlled parts of the land as well as the people who lived there. In exchange, the nobles pledged to be loyal to the king and to go to war for him.

The nobles further divided the land into smaller areas. A nobleman assigned control of the land and people living on it to men called vassals. The vassals in



How did the Magna Carta limit the power of the king?

turn owed the nobleman loyalty and military service.

For the system to work, it depended on a series of agreements or contracts. There had to be contracts between the monarch and the nobles. There also had to be contracts between the nobles and vassals. Each contract included rights and responsibilities that the parties owed to one another. Thus, feudalism introduced the idea of government based on a contract. Those in power pledged to respect the rights of the people who gave them loyalty.

The feudal system was important to the development of constitutional government. It was during this period that the monarchs started to share power with the nobles.

Why is the Magna Carta an important document?

Under the feudal system, it became a custom or tradition for the royalty to share some of its power with the nobility. As a result, the nobles became used to having certain rights and powers. When King John tried to take back some of these rights, the nobles rebelled.

The nobles were powerful enough to force King John to sign an agreement with them in the year 1215. This agreement is the **Magna Carta**, or Great Charter. The Magna Carta was a major step in the growth of English constitutional government. The Magna Carta was perhaps the most important early example of a written statement of law limiting the power of a ruler. The Magna Carta contains two important ideas that influenced the Founders.

- Government is based on a contract between the ruler and people to be ruled. Government by contract also includes the idea that if either side breaks the contract, that contract is no longer valid.
- Both government and the governed must obey the law. This is called the **rule of law**. The law limits the powers of government. The king could not take away the property of a noble without following agreed-upon procedures and rules. The Magna Carta expresses the idea of limited government by requiring the king to govern according to established rules of law.

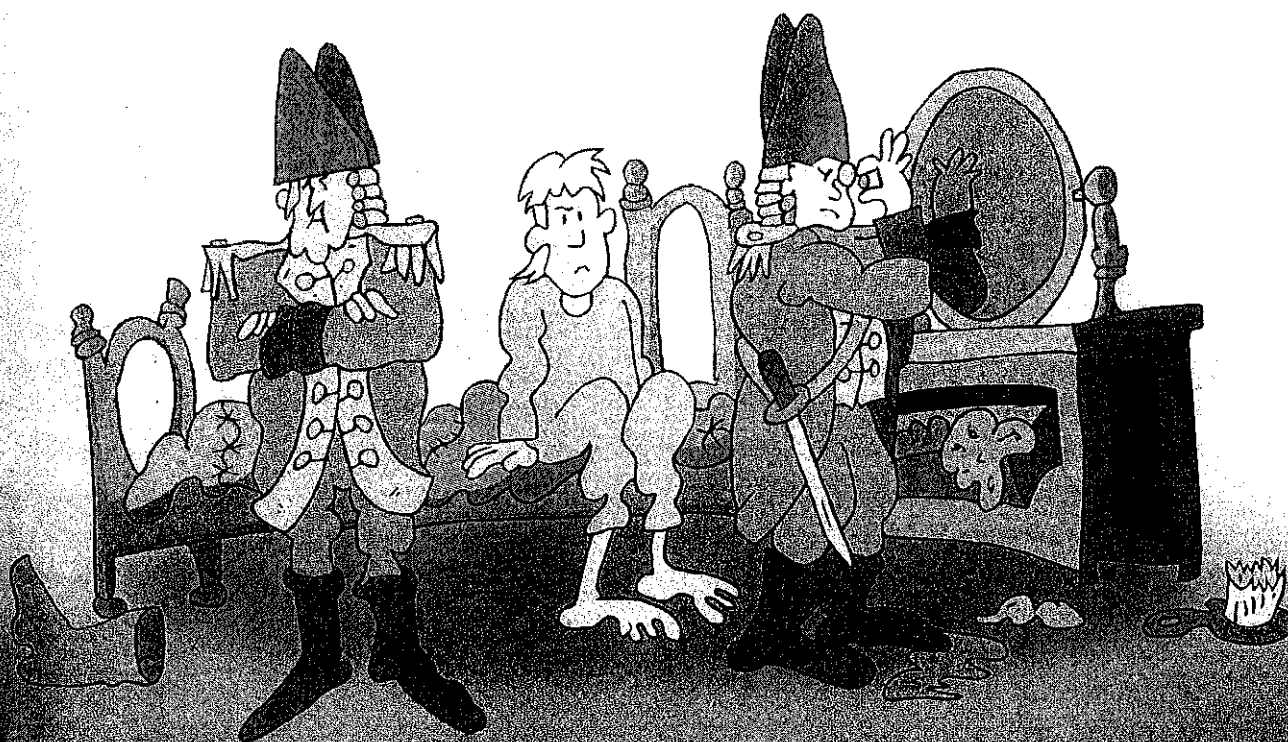
How do these rights limit the power of government?

Each of the rights listed below was a right of Englishmen listed in the Magna Carta. Work with a partner or in a group of three students. Read the statements below and respond to the four questions that follow them.

- * *For a trivial [minor] offence, a free man shall be fined only in proportion to the degree of his offence, and for a serious offence correspondingly.*
- * *No free man shall be taken, or imprisoned...exiled, or in any way harmed...save by the lawful judgment of his peers [equals] or by the law of the land.*

- * *No constable [officer] or other bailiff [sheriff] of ours shall take...the corn [grain] or other chattels [personal property] of any one except...he gives money for them.*
- * *To none will we sell, to none deny or delay, right of justice.*

- ① What is the meaning of each statement?
- ② What right does the statement guarantee?
- ③ Why is this right important?
- ④ Explain how this right limits the power of government.





What is the relationship between the Magna Carta and constitutional government?

The Magna Carta was a contract between the king and the nobility. Most of the people in England were not a part of this agreement. But the Magna Carta is an early step leading to the idea that government should be based on a contract that includes all the people.

Government by contract means that both sides of the agreement are responsible for fulfilling its terms. The Magna Carta states that the king cannot deprive the nobility of their rights. The nobility, in return, must support and obey the king and the laws.

Why was the creation of Parliament important?

Important changes in the English government caused the establishment of other basic principles of government. These principles are the separation of powers and representative government.

In 1258, the nobles forced the king to create an advisory council. This council was called Parliament. Parliament is the legislative branch of the English government. It was made up of two houses that represented the most powerful groups in the kingdom: the House of Lords and the House of Commons. The House of Lords represented the nobles. The House of Commons represented people who owned large amounts of land but were not nobles.

Gradually during the next centuries the role of Parliament grew. Its members were no longer simply advising the monarch, they were representing the interests of their regions. For hundreds of years after the creation of Parliament, the royalty, nobility, and commons had struggled for power. No one group was able to be completely in control for long.

Then in 1628, the king tried to pressure the people for money without the consent of Parliament. He also required the people to house soldiers in their homes. As a result, Parliament forced him to agree to the **Petition of Right** of 1628. The Petition stated that the king could only raise taxes with the consent of Parliament. It also no longer allowed the king to house soldiers in the homes of the people. The Petition of Right strengthened the idea that

English subjects had certain rights that government could not violate.

The struggle between the monarch and Parliament became so intense during the seventeenth century that a series of civil wars broke out. The nobles finally won and in 1649 Parliament ordered the execution of the king. By 1688 the balance of power had shifted in favor of Parliament.



What is the relationship of free speech in a legislative body to constitutional government?

What was the English Bill of Rights?

In 1689 Parliament passed the **English Bill of Rights**. This law gave certain rights to Parliament that further limited the powers of the monarch. It said among other things that elections to Parliament must be free and that the people have the right to petition the king. It also said that the monarchy was no longer allowed to

- collect taxes without the consent of Parliament
- interfere with the right to free speech and debate in Parliament
- maintain an army in peacetime
- prevent Protestants from having arms for their defense
- require excessive bail or administer cruel punishment for those accused or convicted of crimes
- declare that laws made by Parliament should not be obeyed

By the end of the 1600s, the British government was much more limited in what it could do. This was at the same time that the British were establishing colonies in North America. So, the colonists brought these ideas about good government with them to the new world.

LESSON REVIEW

- ① Explain how the feudal system promoted the idea that government is a contract between government and the governed.
- ② Explain the importance of each of these documents:
 - Magna Carta
 - Petition of Right
 - English Bill of Rights
- ③ Explain how the struggles between the monarchy and the nobility led to limited government in Great Britain.

ACTIVITIES

- ① Learn more about the social, economic, and political aspects of feudalism. Find information in your library or on the Internet. Create a diagram that illustrates how the system worked.
- ② Create a script for a talk show for an imaginary television station. The host of the program can interview some of the historical figures who lived during the time mentioned in this lesson such as William the Conqueror, King John, noblemen, vassals, and commoners.
- ③ Imagine that you are a member of the nobility living in England in the 1200s. Write a letter to the editor or draw an editorial cartoon illustrating the importance of the rights listed in the Magna Carta.